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MAILED

MAY 15 2009

In re Application of	:	OFFICE OF PETITIONS
Robert E. Click	:	
Application No. 10/516,640	:	DECISION ON PETITION
Filed: 12/01/2004	:	
Title: NOVEL BACTERIUM FOR	:	
TREATMENT OF DISEASE	:	

This is decision on the petition under 37 CFR 1.181, filed January 21, 2009, to withdraw the holding of abandonment.

On June 18, 2008, the Office mailed a Restriction Requirement, which set a period of one month or thirty days, whichever was longer, to reply. Extensions of time for response were available. In the absence of a timely filed response, the application became abandoned on July 19, 2008. On January 6, 2009, the Office mailed a Notice of Abandonment.

Petitioners request that the Office withdraw the holding of abandonment due to non-receipt of the Restriction Requirement. Specifically, petitioners assert that the Office did not timely enter the appointment of power of attorney and change of correspondence address associated with Customer No. 26365. Petitioners argue that the Office mailed correspondence, including the Restriction Requirement, to the previous address of record rather than that associated with Customer No. 26365.

A review of the record reveals that the USPTO received a Power of Attorney and Correspondence Address Indication Form and a Statement Under 37 CFR 3.73(b) on September 11, 2007. The Correspondence Address Indication Form and the Change of Correspondence Address requested that the Office change the correspondence address for the above-identified application to the address associated with Customer No. 26365. Unfortunately, the Office did not associate the application with Customer No. 26365. Therefore, the Office mailed the Restriction Requirement to an incorrect correspondence address. The address has been corrected.

In view of the above, the petition under 37 CFR 1.181 is **GRANTED**. The holding of abandonment is hereby withdrawn and the application is restored to pending status. No petition fee is necessary.

The application is being referred to Technology Center AU 1651.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

A handwritten signature in black ink that reads "C. T. Donnell". The signature is written in a cursive, flowing style.

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions